(3)

No. 85-1691

Supreme Court, U.S.
FILED
JUN 26 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

October Term, 1985

SANFORD BERNSTEIN,

Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA, JAMES MC CARTHY, COUNTY OF LEHIGH, WILLIAM PLATT, ANTHONY PADRONE, WULF HEUSINGER, THOMAS MURTAUGH, DONALD LAYTON, DALE YEAGER, MICHAEL ALVIN, JIMMY H. COLEMAN, NANCY H. BERNSTEIN, CATASAUQUA POLICE DEPARTMENT, ALLENTOWN POLICE DEPARTMENT, WOODROW KEISER,

Respondents.

ALLENTOWN POLICE DEPARTMENT'S RESPONSE TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

KATHRYN WOHLSEN MAYER
Assistant City Solicitor
City of Allentown, Room 519
435 Hamilton Street
Allentown, Pennsylvania 18101
(215) 437-7545
Attorney for Respondent,
Allentown Police Department

Batavia Times Publishing Co.
Edward W. Shannon
Philadelphia, Pa. (215) 232-8181

TABLE OF CONTENTS.

	Page
Response	2
Conclusion	2
Certificate of Service	3

IN THE

Supreme Court of the United States

October Term, 1985

No. 85-1691

SANFORD BERNSTEIN,

Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA, JAMES MC CARTHY, COUNTY OF LEHIGH, WILLIAM PLATT, ANTHONY PADRONE, WULF HEUSINGER, THOMAS MURTAUGH, DONALD LAYTON, DALE YEAGER, MICHAEL ALVIN, JIMMY H. COLEMAN, NANCY H. BERNSTEIN, CATASAUQUA POLICE DEPARTMENT, ALLENTOWN POLICE DEPARTMENT, WOODROW KEISER,

Respondents.

ALLENTOWN POLICE DEPARTMENT'S RESPONSE TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Response

The Allentown Police Department takes no position as to the Petition for a Writ of Certiorari. The District Court, in its Order dated September 27, 1983 (Appendix at A-4) stated:

> 5. The Motion of the Allentown Police Department to dismiss all claims against it is GRANTED on the ground that this defendant is not an entity amenable to suit.

This ruling as to the Allentown Police Department was not challenged and is not related to the issues of this Appeal.

Conclusion

For the reasons set forth above, the Allentown Police Department is not a party in interest to this Petition for a Writ of Certiorari and takes no position as to whether a Writ of Certiorari should be granted.

Respectfully submitted,

KATHRYN WOHLSEN MAYER
Assistant City Solicitor
City of Allentown, Room 519
435 Hamilton Street
Allentown, Pennsylvania 18101
(215) 437-7545
Attorney for Respondent,
Allentown Police Department

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1985

No. 85-1691

SANFORD BERNSTEIN,

Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA, JAMES MC CARTHY, COUNTY OF LEHIGH, WILLIAM PLATT, ANTHONY PADRONE, WULF HEUSINGER, THOMAS MURTAUGH, DONALD LAYTON, DALE YEAGER, MICHAEL ALVIN, JIMMY H. COLEMAN, NANCY H. BERNSTEIN, CATASAUQUA POLICE DEPARTMENT, ALLENTOWN POLICE DEPARTMENT, WOODROW KEISER,

Respondents.

Certificate of Service

AND NOW, this 25th day of June, 1986, I Patrick M. Maher hereby certify that I have, this day, served a true and correct copy of Response to Petition for a Writ of Certiorari in the above-captioned action, by depositing a

copy of same in the United States mail, first-class, postage prepaid in Batavia, New York, addressed as follows:

Steven B. Molder, Esquire
405 First National Bank Building
Easton, PA 18042

Nicholas Noel, Esquire
Suite 201
531 Main Street
Bethlehem, PA 18018

James A. Katz, Jr., Esquire
Leighton Cohen, Esquire
461 Linden Street
Allentown, PA 18102

John L. Obrecht, Esquire
1851 Main Street
Northampton, PA 18067

Arthur L. Pressman, Esquire
Abraham, Pressman & Bauer, P.C.
1530 Chestnut Street, Suite 412
Philadelphia, PA 19102

Jeffrey R. Dimmich, Esquire
441 Linden Street
Allentown, PA 18102

Richard J. Makoul, Esquire
461 Linden Street
Allentown, PA 18102

Elizabeth K. Ainslie, Esquire
Robert J. Vedatsky, Esquire
Vedatsky & Associates
Packard Building, 24th Floor
15th and Chestnut Streets
Philadelphia, PA 19102

William H. Platt, Esquire
District Attorney
Lehigh County Courthouse
P. O. Box 1548
Allentown, PA 18105

Patrick J. Reilly, Esquire
Lehigh County Courthouse
P. O. Box 1548
Allentown, PA 18105

Howard S. Epstein, Esquire
Black, Epstein, Prokup & McCarthy
502 Turner Street
Allentown, PA 18102

Jerome T. Foerster, Esquire
Deputy Attorney General
Commonwealth of Pennsylvania
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

Patrick M Maher